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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER GUSTARD,  
Plaintiff,  
v.  
KAMALA HARRIS, et al.,  
Defendants.

No. 2:17-cv-0012-TLN-EFB

ORDER

Plaintiff Christopher Gustard (“Plaintiff”), a federal inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 29, 2019, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 78.) Plaintiff has filed objections to the findings and recommendations (ECF No. 83) and Defendants have filed a response thereto (ECF No. 85).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 29, 2019 (ECF No. 78), are adopted in full;

2. Defendant Morazzini’s March 29, 2019 Motion to Dismiss (ECF No. 51) is GRANTED without leave to amend; and

3. The March 29, 2019 Motion to Dismiss brought by defendants McCauley and McKinney (ECF No. 52) is GRANTED in part as follows and otherwise DENIED:

a. Plaintiff’s claim that Defendant McKinney, in his individual capacity, deprived Plaintiff of due process by imposing costs of enforcement on him are DISMISSED with leave to amend;

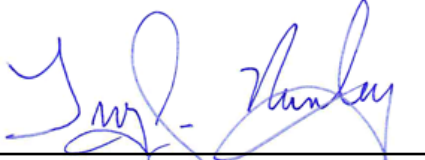
b. Plaintiff’s claim that Defendants McKinney and McCauley, in their individual capacities, deprived Plaintiff of due process by not providing notice of the time limit for filing a state court administrative writ are DISMISSED without leave to amend;

c. Plaintiff’s claim that Defendants McKinney and McCauley, in their individual capacities, deprived Plaintiff of due process by imposing a license renewal fee and a late fee on him without providing adequate process are DISMISSED with leave to amend;

d. Plaintiff’s claim that defendants McKinney and McCauley, in their individual capacities, deprived Plaintiff of due process by providing inadequate notice and an untimely hearing on the revocation of his license are DISMISSED with leave to amend.

IT IS SO ORDERED.

Dated: January 30, 2020

  
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Troy L. Nunley  
United States District Judge